

CHAPTER NO. 590

HOUSE BILL NO. 3415

By Representatives Curtiss, Pruitt, Sherry Jones, Eldridge, Mike Turner, Davidson, Overbey, Shepard, McCord, Hagood, McKee, Roach, Buttry, Montgomery, Sargent, Bone, Briley, West, Langster, Walker, Fraley, Wood, Todd, Kent, Marrero, Hood, Newton, Yokley, Patton, Tidwell, Maddox, Hargett, DuBois, Gresham, Crider, Pleasant, Sargent, Coleman, Shaw, Litz, Borchert, Baird, Hargrove, Brenda Turner, Sontany, Fitzhugh, McMillan, Rinks, Windle, Fowlkes, Bone, Odom, Hackworth, Harmon, Ferguson and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 3294

By Senators Cooper, Harper, Clabough, McNally, Ketron, Herron

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2, relative to fire safety in nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) The term "nursing home" or "facility" shall mean any nursing home as defined in § 68-11-201(29).

(b) No later than ninety (90) days after the effective date of this act, any nursing home that is not fully sprinklered as of the effective date of this act must provide a smoke alarm and/or smoke detector in each patient room, which may be a single-station smoke alarm that is powered by battery or electrical current, or a series of smoke detectors that are connected together and have a central fire alarm panel, or any combination thereof.

(c) Any nursing home that is not fully sprinklered as of the effective date of this act must submit to the department of health a sprinkler plan for the full sprinklering of the facility.

(1) If the facility provides patient care above the ground floor, the facility must submit the sprinkler plan no later than six (6) months from the effective date of this act.

(2) If the facility provides patient care only on the ground floor, the facility must submit the sprinkler plan no later than eleven (11) months from the effective date of this act.

(d) A facility not fully sprinklered as of the effective date of this act may choose to completely replace the facility as an alternative to complying with subsection (c). If the facility elects to do so, it must submit to the board a letter stating its intent to replace the facility and estimating the completion dates for the request for a certificate of need, commencement of construction of the facility, and licensure of the facility. This letter must be submitted to the board within the time frame in either (c)(1) or (2) that would otherwise apply to the facility.

(e) Any facility that has submitted a sprinkler plan to the department prior to the effective date of this act shall not be required to resubmit its plans.

(f) Failure to comply with this section shall be grounds for discipline and/or licensure action by the board pursuant to § 68-11-207(a), (c) and (d). Any facility that fails to comply with this section may be required to appear before the board to explain its non-compliance.

(g) The provisions of this act shall control to the extent that any provisions of existing law are in conflict with this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 15, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 3rd day of May 2004


PHIL BREDESEN, GOVERNOR